

## Chapter 160

### LITTERING

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[HISTORY: Adopted by the Mayor and Council of Pocomoke City 6-19-1995 as Ord. No. 331. Amendments noted where applicable.]

### GENERAL REFERENCES

Housing standards -- See Ch. 146.  
Solid waste -- See Ch. 195.

Nuisances -- See Ch. 169.

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§ 160-1. Purpose; title.

- A. It is the purpose of this chapter to provide for the uniform prohibition throughout Pocomoke City of any and all littering on public or private property.
- B. This chapter shall be known and may be cited as the "Litter Control Ordinance."

§ 160-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMERCIAL PURPOSE -- For the purpose of economic gain.

LITTER -- All rubbish, waste matter, refuse, garbage, trash, debris, dead animals or other discarded materials of every kind, nature and description.

PERSON -- An individual, firm, sole proprietorship, partnership, corporation, limited liability company or unincorporated association.

PUBLIC OR PRIVATE PROPERTY -- The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, parking facility, playground, public service company property or transmission line right-of-way, building, refuge or conservation or recreation area; and any residential or farm properties, timberlands or forest.

### § 160-3. Unlawful activity.

It shall be unlawful for any person or persons to dump, deposit, throw or leave or to cause or permit the dumping, depositing, placing, throwing or leaving of litter on any public or private property in the city, unless:

- A. Such property is designated by the city, or by the owner or tenant in lawful possession of private property, for the disposal of such litter and such person is authorized by the proper public or private authority to use such property;
- B. Such litter is placed into a litter receptacle or appropriate container installed on such property; or
- C. Such person is the owner or tenant in lawful possession of such property or has first obtained the consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of said owner or tenant in a manner consistent with the public welfare.

### § 160-4. Presumption of responsibility for violation.

- A. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of ~ 160-3 of this chapter, and if the vehicle, boat, airplane or other conveyance has two (2) or more occupants and it cannot be determined which occupant is the violator, the owner of the vehicle, boat, airplane or other conveyance, if present, shall be presumed to be responsible for the violation. In the absence of the owner, the operator shall be presumed to be responsible for the violation.
- B. Notwithstanding any other provision of law, if the facts of any case in which a person is charged with violating this chapter are sufficient to prove that the person is responsible for the violation, it is not necessary that the owner of the property on which the violation allegedly occurred be present at any court proceeding regarding the case.

### §160-5. Violations and penalties.

- A. Any person violating the provisions of ~ 160-3 of this chapter shall be guilty of a municipal infraction and shall be subject to the following:
  - (1) A person who dumps litter in violation of ~ 160-3 of this chapter in an amount not exceeding one (1) pound in weight or one (1) cubic foot in volume and not for commercial purposes shall be subject to a fine as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time.

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<sup>1</sup>Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

<sup>2</sup>Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

- (2) A person who dumps litter in violation of ~ 160-3 of this chapter in an amount exceeding one (1) pound in weight or one (1) cubic foot in volume and not for commercial purposes shall be subject to a fine as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time.
  - (3) A person who dumps litter in violation of ~ 160-3 of this chapter consisting of tires, batteries, motor vehicle parts or hazardous materials, as defined in Section 22-501, Title 22, of the Health-General Article of the Annotated Code of Maryland, or for commercial purposes shall be subject to a fine as set forth in the Fees, Charges and Rates Schedule, adopted by resolution of the City Council from time to time.
- B. Each act constituting a violation of the provisions of ~ 160-3 of this chapter which is separate in time or location shall be deemed to be a separate violation, subject to a separate fine for each such act.

#### § 160-6. Enforcement.

- A. All Pocomoke City Police Department officers and employees, the Pocomoke City Housing Administrator, the department head of the Pocomoke City Public Works Department, all Pocomoke City employees assigned to the municipal golf course or any Pocomoke City park, fairgrounds, nature trail or dock area and the City Manager are hereby authorized, empowered and directed to enforce this chapter and may serve a citation on any person whom they believe is committing or has committed a violation of the provisions of ~ 160-3 of this chapter.
- B. All Pocomoke City police officers are hereby authorized, empowered and directed to enforce this chapter and may serve a citation on any person on the basis of an affidavit submitted to the Chief of the Pocomoke City Police Department, the Pocomoke City Clerk or the Pocomoke City Deputy Clerk citing the facts of an alleged violation of ~ 160-3 of this chapter.

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<sup>3</sup>Editor's Note: The current Fees, Charges and Rates Schedule is on file in the City Clerk's office.

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